

## **REMARKS**

### **Specification Objection**

The specification was objected to because of an informality. The specification has been amended to eliminate the informality.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 27, 29, 39, 40, 47, 48, and 53-55 were objected to as indefinite. These claims have been amended to eliminate the indefiniteness rejection.

### **Claim Rejections Under 35 U.S.C. §§102 and 103**

Claims 1, 2, 7, 12, 21, 23, and 25 were rejected as anticipated by U.S. Patent No. 5,496,032 (Okada). Claims 51-55 and 59 were rejected as anticipated by U.S. Patent No. 5,505,461 (Bell et al.).

Claims 3-6 and 8-11 were rejected as obvious over Okada in view of U.S. Patent No. 5,470,079 (LeStrange). Claims 15, 17-19, 22, 24, 26-29, 31, 32, and 35-37 were rejected as obvious over Okada. Claim 20 was rejected as obvious over Okada in view of U.S. Publication No. US2004/0033832A1 (Solomon). Claims 33 and 34 were rejected as obvious over Okada in view of U.S. Publication No. US2003/0060280A1 (Oles et al.). Claims 38-40, 42, and 45-48 were rejected as being obvious over Okada in view of U.S. Patent No. 5,531,309 (Kloss et al.). Claims 43 and 44 were rejected as obvious over Okada, Kloss et al., and Bell et al. Claim 49 was rejected as obvious over Okada, Kloss et al., and Bell et al. Claims 58 and 60-62 were rejected as obvious over Bell et al. in view of Okada.

### **Claim Amendments**

Independent claims 1, 38, and 46 have been amended to patentably distinguish over Okada, alone or in combination with other references.

### **The References**

#### **Okada**

Okada is directed to a management method for gaming halls having slot machines. A plurality of system control units (SCU) 10a-10p are connected to a main control unit (MCU) 11 that acts as a management computer. A token dispenser is mounted at the side of each slot machine. Each SCU is connected to plural pairs of a slot machine and a token dispenser. For example, SCU 10a is connected to a pair of a slot machine 15a1 and a token dispenser 16a1, a pair of a slot machine 15a2 and a token dispenser 16a2 . . . ., a pair of a slot machine 15a32 and a token dispenser 16a32. The SCU 10a is also connected to a token counter 17a and a money exchanger 18a. The token counter counts tokens to be exchanged for goods and money. (Col. 4, lines 21-43).

In operation, the amount of money received by each token dispenser 16a1 to 16p32 and the number of exchanged tokens are supplied to each corresponding SCU associated with the token dispensers. The number of tokens entered into each slot machine 15a1 to 15p32 and the number of paid-out dividend tokens are supplied to each corresponding SCU. The number of tokens counted by each token counter 17a to 17p is supplied to each corresponding SCU. The amounts of money and the number of tokens are converted into optical data which is sent to the MCU 11. This data is inputted into a local computer 27. (Col. 5, lines 48-60). The local computer calculates the various expected values for the game management system. The expected values are constituted of expected individual values for each slot machine and expected

total values obtained through the addition of the expected individual values of all the slot machines in a gaming hall. (Col. 5, lines 61-67).

The comparative results of the expected and actual values of the total sales amount, the number of tokens exchanged for premiums, and the quotient are displayed on a CRT 29 at a predetermined time interval, for example, every 30 minutes. (Col. 8, line 66 to col. 9, line 3). A calculated over-pay condition of each slot machine is displayed and monitored on the CRT 29, providing alarm representations in three colors. (Col. 10, lines 20-24).

**Kloss et al.**

Kloss et al. discloses a gaming machine 100 that has a coin acceptor 102 that can determine whether a coin inserted into the gaming machine is a valid coin. If the coin is invalid, it is rejected and returned to a player. A rejected coin is not processed by the gaming machine. (Col. 4, lines 21-25).

**Bell et al.**

Bell et al. discloses a system for meeting the IRS reporting requirements for gaming machines. (Col. 1, lines 10-13). The system eliminates the need to prepare a W2-G Form every time a payout exceeds the predetermined IRS threshold. Instead, the system automatically maintains the information, in a gaming machine, required for an attendant to prepare a single W2-G Form at the end of a playing session. The amount reported on the form is the net jackpot winnings, which is the gross amount of jackpots less the amount wagered from the jackpot proceeds. (Col. 1, lines 59-67).

**The Claims Are Not Anticipated Nor Would They Have Been Obvious**

Amended claim 1 calls for a warning generating system that is structured to generate a warning signal based on a comparison of the monetary value accepted into a gaming device and the monetary value output from the gaming device for time periods of different durations. As

such, gaming device usage can be tracked in a number of different time frames. (Applicant's specification, page 14, line 4 to page 15, line 5; page 18, lines 18-23).

Okada neither discloses nor suggests a warning generator that operates in this manner. Rather, Okada discloses that the tracked results are displayed for only one time interval, that is, every 30 minutes. (Col. 8, line 66 to Col. 9, line 5). Perhaps, the time interval is longer or shorter than 30 minutes. However, Okada clearly does not disclose displaying or tracking results for time periods of different durations.

Claim 26 calls for a data calculation system configured to generate a payout warning based on the amount of monetary value accepted into a gaming device and the amount of monetary value output from the gaming device wherein jackpot payouts are excluded in the amount of the monetary value output from the gaming device. This, for example, prevents jackpot amounts from skewing averages used to determine whether to indicate that a particular machine is malfunctioning. (Applicant's specification, page 5, lines 16-19; page 13, lines 25-28).

Okada neither discloses nor suggests a data calculation system that operates in this way. Indeed, in Okada, jackpot payouts are always included in the usage calculations. Thus, in this respect, Okada clearly teaches away from Applicant's claimed invention.

Moreover, providing for handpays when a threshold amount is exceeded or when a gaming machine does not have enough money to pay a player has absolutely nothing to do with a data calculation system that generates a payout warning or a warning generating system that generates a warning signal in response to a payout warning. Therefore, for at least these reasons, it would not have been obvious to modify the "system of Okada to exclude jackpot payouts in the amount of monetary value output from the gaming device in order to accommodate gaming machines that only provide jackpots via handpays". (Emphasis added). Indeed, if the gaming

machine only provides handpay jackpots, then all jackpot payoffs are excluded and the modified system is meaningless in purpose and function.

Amended claim 38 calls for a gaming device that includes a warning calculator coupled to an input accounter and an output accounter. The warning calculator is structured to generate a payout warning signal based on recorded transactions, and the warning calculator is structured to omit one or more recorded transactions of monetary value generated by the gaming device when determining whether to generate the payout warning signal. Not considering such a transaction will prevent a large payout from skewing, for instance, the average payout amount of the gaming device. (Applicant's specification, page 5, lines 15-16).

There is absolutely no disclosure or suggestion in Okada of omitting one or more recorded transactions of monetary value generated by a gaming device when determining whether to generate a payout warning signal. Rather, in Okada, all amounts outputted by the slot machines are always included in the usage calculations.

Kloss et al. does not cure this deficiency of Okada. In Kloss et al., invalid coins are rejected by the gaming machine. As such, they are neither accepted nor processed by the gaming machine. Thus, there is no recorded transaction to be omitted.

Amended claim 46 is similar to amended claim 38, and it is allowable for the same reasons.

Claim 51 calls for comparing an amount of monetary value paid by a gaming device to one or more predetermined values. This step includes obtaining an amount of monetary value paid by the gaming device, subtracting an amount of monetary value accepted into the gaming device to obtain a difference value, and comparing the difference value to one or more predetermined values. This feature can prevent false or unnecessary warning signals if a gaming device has not only paid out a large amount of money, but a large amount of money has also

been wagered at the gaming device. (Applicant's specification, page 5, lines 19-24; page 19, lines 22-29).

An embodiment of the invention of Bell et al. is illustrated in Fig. 3 of Bell et al. (Col. 3, lines 25-27). A prior art method of preparing an IRS W2-G Form is illustrated in Fig. 2 of Bell et al. (Col. 2, lines 65-66). Two different methods have been inappropriately combined in an attempt to show that Applicant's claimed invention is anticipated.

Bell et al. discloses a system that eliminates the need to prepare an IRS W2-G Form every time a payout exceeds the predetermined IRS threshold. This is done by reporting only net jackpot winnings, that is, the gross amount of jackpots won less the amount wagered from the jackpot proceeds. There is no machine lock up in this method. (See Fig. 3). A player continues playing until he chooses to stop. (Col. 3, lines 43-48).

In the method of Fig. 2, the gaming machine is locked to prevent further play when a payout is equal to or greater than the predetermined IRS limit. (Col. 3, lines 3-8). However, there is no calculation of net jackpot winnings.

Thus, Bell et al. does not anticipate the invention of claim 51.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that all the claims are now in condition for allowance. Accordingly, allowance of the claims at the earliest possible date is requested.

If prosecution of this application can be assisted by telephone, the Examiner is requested to call Applicant's undersigned attorney at (510) 663-1100.

If any fees are due in connection with the filing of this amendment (including any fees due for an extension of time), such fees may be charged to Deposit Account No. 500388 (Order No. IGT1P315).

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Respectfully submitted,  
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